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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: LIVAK et al.

Application No.: 09/816,150

Art Unit: 1637

Filed: March 26, 2001

Examiner: Fredman, J.N.

For: IMPROVED INVASION ASSAY

Attorney Docket No.: 9584-018-999  
(JD 103639-999017)

**COMMUNICATION REGARDING NOTICE OF DRAWING INCONSISTENCY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Notice of Drawing Inconsistency with Specification ("the Notice") issued August 11, 2005 in connection with the above-identified application. The Notice indicates that "Figure 8," while listed in the Brief Description of Figures in the specification, was not submitted to the United States Patent & Trademark Office, and requires Applicants to submit the figure.

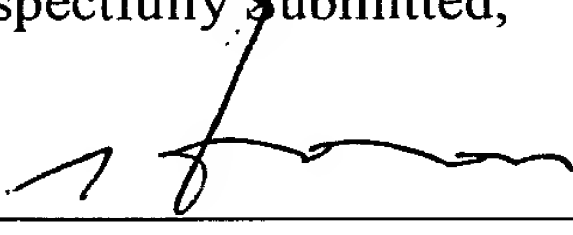
However, Applicants respectfully point out that they filed a preliminary amendment on January 16, 2003, removing all references to "Figure 8" from the specification because Figure 8 is not necessary to understand or practice the claimed invention. A copy of the preliminary amendment and stamped postcard is submitted herewith for reference.

Consequently, Applicants respectfully request that the preliminary amendment be entered into the record and the requirement for submission of Figure 8 be withdrawn.

No fee is believed to be due for the submission of this statement. If any fees are required for the submission of this paper or to avoid abandonment of this application, please charge such fees to Jones Day Deposit Account No. 503013. A copy of this sheet is enclosed.

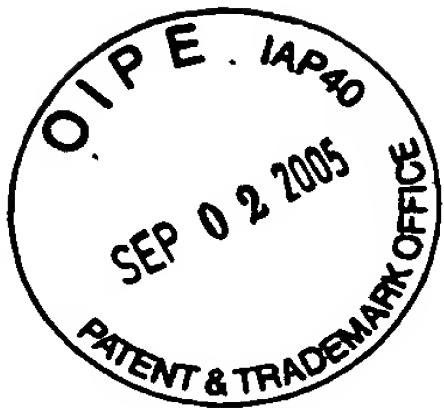
Respectfully Submitted,

Date: September 2, 2005

  
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Enclosure



Express Mail No. Hand Carry First Class Mail ( )  
Date Mailed Jan 16, 2003  
Serial No. 09/816,150  
Inventor Luuk Ste Filed March 26, 2001  
For Improved Invention Asses

<input type="checkbox"/> Affidavit/Declaration	<input type="checkbox"/> Fee Address Indication Form
<input checked="" type="checkbox"/> Amendment ( ) Response <u>Prelim.</u>	<input type="checkbox"/> Fee Calculation
<input type="checkbox"/> Application _____ pages	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> _____ claims _____ drawing sheets	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Assignment ( ) Cover Sheet	<input type="checkbox"/> Oral Hearing Request/Confirm
<input type="checkbox"/> Brief (in triplicate)	<input type="checkbox"/> Petition to Extend Time _____ month(s)
<input type="checkbox"/> Declaration & Power of Attorney	<input type="checkbox"/> Petition under 37 C.F.R. _____
<input type="checkbox"/> Executed ( ) Unexecuted ( ) Copy	<input type="checkbox"/> Power of Attorney
<input type="checkbox"/> Declaration of Inventor(s)	<input type="checkbox"/> by Assignee ( ) Associate ( ) with Revocation
<input type="checkbox"/> Executed ( ) Unexecuted ( ) Copy	<input type="checkbox"/> Request for Correction of Filing Receipt
<input type="checkbox"/> Design Application	<input type="checkbox"/> Sequence Listing w/Computer Readable and Paper Copy
<input type="checkbox"/> Disclaimer ( ) Disclaimer Fee	<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Disclosure Statement ( ) Form PTO-1449	<input type="checkbox"/> Status Letter
<input type="checkbox"/> w/refs. ( ) w/o refs.	<input type="checkbox"/> Transmittal Letter
<input type="checkbox"/> Drawings, Formal	
_____ Sheets _____ Figures	

Other: \_\_\_\_\_

File No. 9584-018 Sender: SBA/mxb/12

